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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-seventh session

SUMMARY RECORD OF THE 1103rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 2 August 1995, at 10 a.m.

Chairman: Mr. GARVALOV

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The meeting was called to order at 10.15 a.m.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES (agenda item 3)

1. The CHAIRMAN invited the Committee to engage in a general exchange of views on the question of the prevention of racial discrimination.

2. Mr. VALENCIA RODRIGUEZ said that, when he looked at the various cases studied by the Committee where preventive diplomacy had seemed to be called for, he was dismayed to realize that the problems in Rwanda, Burundi, Cambodia and, especially, Bosnia and Herzegovina remained as insoluble as ever. Of those, the situation in Bosnia was undoubtedly the most urgent. The Committee had pronounced itself on events there on many occasions, in the general context of the break-up of the former Yugoslavia with all its fatal results.

3. The Committee, being responsible for overseeing the implementation of the Convention, was striving to contribute effectively to the elimination of the scourge of racism and racial discrimination. It would have been useful to have a report providing up-to-date information on events in Bosnia and Herzegovina, but that had not proved possible. The Committee would be failing in its duty, however, if it did not repeat what had been said so often before: that the conflict in Bosnia and Herzegovina was rooted in racism and racial discrimination. Although the Committee had not received an up-to-date report from the Special Rapporteur, it had received a copy of the letter in which he had resigned the mandate entrusted to him by the Commission on Human Rights and given his reasons for that decision. The reasons he gave, among them the continuing blatant violations of human rights, were the result of racism and racial discrimination. There were, of course, other problems involved in the tragic situation - political, economic and social - but it should never be forgotten that an attempt was being made to liquidate a large group of people, on racist grounds that might have been hoped to have disappeared with nazism, with a view to reaching a target of ethnic cleansing and thereby building a new and powerful State in the Balkans.

4. Innumerable proposals, suggestions and initiatives had been analysed and discussed and attempts made at different levels, world-wide, to bring about an end to the bloody conflict, but none had been successful. On the contrary, to the world's shame, it had only widened and deepened. The Security Council, the General Assembly, the Commission on Human Rights, the European Union, NATO and many NGOs had all sought to intervene directly or to demonstrate their concern. The Committee's own debates had been part of that effort. In the meantime, international public opinion agonized over the worsening of the conflict, which now stood revealed as flagrant genocide, and demanded to know why the United Nations was unable to end it. The criminals charged by the impotent war crimes tribunal at The Hague carried on with their work of extermination and the United Nations peace-keeping forces were powerless.

5. He feared that continued impotence or outright failure on the part of the United Nations in Bosnia would have the gravest consequences for the whole United Nations system, especially in the field of the protection of human rights. It was essential for the Committee to reflect on the possible repercussions. He realized that his own words could have little effect but he

felt that it had been his duty to denounce the recent events in Bosnia. Perhaps a joint statement by the Committee would have more effect, especially on those who were responsible for taking action to end the conflict.

6. The CHAIRMAN said that the words of the previous speaker had reminded him that the Committee's real task was preventing racial discrimination, not remedying conflicts which had progressed to the point reached in Bosnia. If the Committee was really to help the international community and the United Nations, it must devote its attention to preventive action.

7. From the viewpoint of the world as a whole, the war in Bosnia was obviously very dreadful and constituted a crisis. However, it was seen and perceived in different ways. In Europe, it was regarded as a real danger because no European State could safely claim to be immune from a similar fate. The tenacity of the case, defying any reasonable solution, and its contagious nature made it more than a potential danger. There were two other situations in Europe which were only waiting for it to end in order to explode. He was, therefore, reminded that the Committee had a role to play in the field of prevention, and he believed that Committee members were thinking in terms of what effective contribution the Committee could make in that field. Many of the serious cases discussed by the Committee had started as simple cases of discrimination on ethnic or racial grounds. Once they had snowballed into political problems, as in the case of Bosnia and Herzegovina, all the international organizations became involved and all attempts to bring the crisis to a reasonable solution failed.

8. He had himself become concerned about another aspect of the problem which closely concerned the Committee's work and its interpretation of a number of problems: he had in mind the question of self-determination. However, if, at the present late stage of the crisis in Bosnia, an attempt was made to remedy the problem in that way, it would be compounded rather than resolved. Clearly, no realistic and honest effort had been made at the start to deal with the question of self-determination and the end result was that there was every danger of the destruction of a State. That danger would spill over into other neighbouring States and set an example which others might follow, whether in Europe or other parts of the world.

9. He had thought, after the first manifestation of ethnic cleansing some two years before, that the practice had ended, but it had been resumed and there was no assurance that it would not be put into effect again. Immense apprehension had been created in central and southern Europe, not just because of the geographical proximity of countries there to the war but because of the contagious nature of the example. He earnestly felt that the Committee had a role to play and a duty to make its voice heard, however small. The current session offered a valuable opportunity to restate its position.

10. Mr. ABOUL-NASR said that, in recent years, the human rights situation had grown chaotic throughout the world. Mr. Valencia Rodriguez had referred to the problems in Rwanda, Burundi, Cambodia and Bosnia, but there were many other areas of the world where perhaps even worse crimes were being committed but there were no television cameras. In Africa, for example, there were equally serious problems in Liberia, Angola, southern Sudan and Somalia. Problems in other parts of the world should not be forgotten: the status of

the indigenous inhabitants in many parts of Latin America, the crises in Kashmir and Palestine. All of those were racial or religious disagreements threatening to result in major conflict. What really should be noted was that the tools existed with which solutions could be found for most of those problems if the provisions of the Charter, international conventions and agreements, and the Geneva Conventions relating to armed conflict were respected, or if the methods for the peaceful settlement of disputes under Article 33 of the Charter were employed, or even if the enforcement action envisaged in Chapters VI or VII was used. However, a new feeling of indifference seemed to have emerged. He could not but recall the atmosphere at the League of Nations in the late 1930s, when Emperor Haile Selassie had come to the Palais des Nations to ask for help against the gas attacks and bombs to which his people were being subjected. No one had supported him and his departure from the building, with bowed head, had marked the end of the League of Nations and the beginning of the Second World War. When nations did not stop, or at least try to stop, problems of racism and ethnic cleansing, dictatorship and gross violations of human rights, it augured ill for the future. In the case of Bosnia, the attitude of the United States, the misguided decisions of the Security Council and the sanctions which affected only the victims of the aggression were all extremely frustrating.

11. Perhaps the best course that the Committee could follow was to continue to do its duty in its own limited field through the dialogue it had established with Member States and perhaps through education. Future generations might then be in a better position to coexist and learn to love each other. That was why, at a previous meeting, he had emphasized the need for the Committee to travel occasionally and to convene on different continents, where it could have a dialogue on the spot with the Member States of the area, not in an accusatory way but making it clear to representatives of Governments, in front of their own people and their national media, what the Committee expected them to do under the Convention.

12. Mr. WOLFRUM said that he fully endorsed Mr. Valencia Rodriguez's assessment of the situation in Bosnia and Herzegovina and other areas of concern to the Committee. Despite measures such as special decades and international conferences designed to prevent human rights violations, ethnically-based violence was increasing dramatically throughout the world. The Committee should stand back and ask itself why such efforts came to nothing and how crisis situations that were no longer headline news could be so easily forgotten. The Committee should target its energies on preventing conflict situations and stress the importance of education in helping peoples to coexist.

13. Since the Committee's forty-sixth session, the situation in Bosnia and Herzegovina had gone from bad to worse. The culmination of the crisis had been the fall of two of the United Nations designated "safe havens" to the Bosnian Serbs. The large-scale policy of ethnic cleansing was being reactivated and Security Council resolutions were being flouted with impunity. However, looking at the situation from another angle, NATO, the United Nations and other bodies that had promised to ensure the safety of those areas had clearly not kept their word. They had not acted to protect the people who had believed and trusted in them, which would be devastating to the standing of the United Nations and future peace-keeping missions. The people that had

attacked the safe havens of Zepa and Srebrenica should be held personally responsible for their actions under criminal law. However, in the meantime, the Committee should encourage European States to accept refugees from those areas.

14. The CHAIRMAN invited Mr. Bijedic, Ambassador of Bosnia and Herzegovina, to address the Committee as part of the debate.

15. Mr. BIJEDIC (Bosnia and Herzegovina) said that he had come before the Committee to offer his advice. The Committee should acknowledge that it was time to stop debating the situation in Bosnia and Herzegovina and express solidarity with the resignation of the Special Rapporteur of the Commission on Human Rights for the former Yugoslavia, Mr. Tadeusz Mazowiecki. Members of the Committee should return to their respective capitals, where the principles and standards that formed the basis of the Committee's work were being slowly but surely betrayed, and appeal to their leaders. The empty accusations being made no longer rang true as positive action to solve the crisis was not forthcoming. The Committee should urge politicians to take action against fascist policies designed to capture territory for one nation, one religion and one extremist party, before all credibility was lost.

16. Mr. de GOUTTES said that he welcomed the initiative of the representative of Bosnia and Herzegovina in addressing the Committee in the context of early warning and urgent procedures. It had often been said that the international community was powerless or indifferent in the face of serious ethnic discrimination or racism. There was an enormous temptation merely to throw up one's hands, to ask oneself if there was any point in even trying, in view of the enormity of the problems. Members of the Committee had cited a large number of countries where the situation was giving cause for concern, but there were many more, including Algeria for example. Mr. Bijedic's message that the Committee should join the protest made by Mr. Mazowiecki was a valid approach to finding a solution to the present crisis in Bosnia and Herzegovina.

17. Since the Committee's previous session, notable developments had included the resignation of the Special Rapporteur for the former Yugoslavia, the charges that were being brought against Mr. Radovan Karadzic and Vladko Mladic at the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed on the Territory of the Former Yugoslavia, and the establishment of an international criminal court to try crimes against humanity committed in Rwanda. Under article 4 of the Convention, States Parties undertook to ensure that racial discrimination and related acts were punished. The Committee should, therefore, remind States parties when they presented their periodic reports of their duty under the Convention to cooperate with the International Tribunal in the Hague. The Committee should offer its services to help States reform or rebuild their judicial, administrative and law-enforcement infrastructures and to provide training in human rights issues for State officials. Lastly, the Committee should consider revising its rules of procedure in order to consolidate early warning and urgent procedures.

18. Mr. YUTZIS said that he entirely agreed with the representative of Bosnia and Herzegovina that, in the present situation, rhetoric should be replaced by

concrete action. He noted the request that the Committee should express its support for the protest made by Mr. Tadeusz Mazowiecki. The Committee should try to keep hopes for a peaceful solution to the conflict alive.

19. In addition, however, the Committee should try to prevent similar crises from arising in the future and focus on prevention. It should draw up a list of particular situations involving States parties to the Convention in which it could take effective preventive action. It should also look at an area it had tended to neglect in the past, namely, the role of the media in shaping people's attitudes in a global, media-dominated society, and in inciting discriminatory and racist practices, particularly in the light of the events that had taken place in Rwanda. The Committee should bear that in mind and ask States parties to define clearly the role of the media in their countries.

20. Similar emphasis should be placed on the dangers of the economic model that was being imposed on countries throughout the world. The formula being adopted implied that a market economy was a prerequisite for democracy, but overlooked the fact that increased unemployment was traditionally a feature of that kind of economy. The price of unemployment was usually paid by foreigners. When faced with job shortages, Governments tended to protect their own citizens and ensure that they were at the front of the job queues. The Committee should take those aspects into consideration and find ways to prevent racism and discrimination from being exacerbated by an adverse economic climate.

The meeting was suspended at 11.25 a.m. and resumed at 12.40 p.m.

21. Mr. BANTON drew attention to his informal paper entitled "Prevention of racial discrimination" on the Committee's decision at its forty-fifth session to establish the question of prevention of racial discrimination, including early warning and urgent procedures, as one of its regular agenda items. The initial intention had been to hold the debate on that item at the beginning of each session. However, experience had shown that it would be more appropriate to schedule the debate somewhat later in the programme of work in order to allow time for consultation among members about how to react in the event of States failing to supply the information requested. He also pointed out that while there was a procedure for including States parties on the list for discussion under the item, there was no procedure for removing them. Lastly, he suggested that the Committee should consider whether to divide the States on the list into those to be discussed systematically at each session and those to be discussed only if there had been new developments since the previous discussion. He hoped that a decision on those points could be taken during the current session.

22. He endorsed Mr. Wolfrum's observation on the importance of education as a means of preventing racial discrimination. Action on that score called for analysis of the causes of the circumstances covered by the Committee's mandate and of the educational methods best suited to the task of tackling those causes. He suggested that a working paper should be prepared on the subject for a future session.

23. Mr. van BOVEN said that one of the reasons for the recent devastating trend in international public opinion concerning the United Nations and

perhaps for the resignation of the Special Rapporteur on the former Yugoslavia was that the United Nations, and particularly the Security Council, was entering into commitments and making pronouncements without taking corresponding action when it came to the point. All United Nations bodies, including the Committee, would have to take their decisions and recommendations more seriously. The working paper adopted two years previously on the procedure for prevention of racial discrimination (A/48/18, annex III) stated that the Committee "could establish a follow-up mechanism to the suggestions and recommendations contained in the concluding observations". He therefore proposed that the question of follow-up should be dealt with more systematically in future and that the Committee should take a stronger stand when States parties failed to cooperate or to comply with its recommendations.

24. Mr. DIACONU said it was a matter of the greatest concern that all parties in the former Yugoslavia had come to view the United Nations with hostility. Such negative attitudes affected all United Nations bodies, including the Committee, although it was a legally separate entity. The underlying political and military aims of those involved in the conflict in the former Yugoslavia were not always clear. Opinions had to be revised continuously in the light of new developments. At all events, there could be no military solution but only a negotiated political settlement. He suggested that the Committee should appeal to all parties, without exception, to come together to negotiate an end to the civil war, a term he used advisedly.

25. There were lessons to be learned both for the United Nations and for the major Powers, which had been swayed by unilateral information and become prisoners of their own public opinion so that they had difficulty responding to the real situation. States that were hoping for political gains from the outcome of the conflict were making a serious mistake. No political advantage could justify the human suffering involved.

26. The CHAIRMAN said that the debate on item 3 would be continued at the earliest opportunity.

The meeting rose at 1 p.m.